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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,842	02/21/2002	Tzu-Li Tsai	ACIP0008USA	9679

27765 7590 10/13/2004

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P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/683,842	Applicant(s) TSAI ET AL.	
	Examiner Thai Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/14/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-5, 7, 10, 12-13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Trovato et al (US 6,469,742 B1).

Regarding claim 1, Trovato et al discloses an updating system for a digital player (Fig. 1) comprising:

a primary module (memory 14 of Fig. 1, col. 4, lines 1-5) comprising a first memory module for storing software; and

a secondary module (device 10 of Fig. 1, col. 4, lines 1-5) comprising a second memory module (memory 17 of Fig. 1, col. 4, lines 13-17) and said primary module;

wherein an updating instruction is sent from said primary module to said secondary module to activate a predetermined program for updating said second memory module by means of said software stored in said first memory module (col. 4, lines 13-44).

Regarding claim 4, the claimed wherein said first memory module is a random access memory is met the hard disk 14 disclosed in col. 5, line 21-26.

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Regarding claim 5, the claimed wherein said second module is a loader device is met by modules 16 disclosed in col. 4, line 6-12.

Regarding claim 7, the claimed wherein said primary module is connected with said secondary module via a bus is met by a bus disclosed in col. 4, lines 13-17.

Regarding claim 10, Trovato et al discloses an updating method for a digital player (Fig. 1), said digital player comprising a primary module (memory 14 of Fig. 1, col. 4, lines 1-5), and a secondary module comprising a second memory module and said primary module (device 10 of Fig. 1, col. 4, lines 1-5 and memory 17 of Fig. 1, col. 4, lines 13-17), the method comprising:

placing a disk carrying software (col. 5, lines 1-11) into said secondary module;

reading said software from said secondary module and storing said software in said first memory module of said primary module (col. 4, lines 21-28 and col. 5, lines 1-11); and

sending an updating instruction from said primary module to said secondary module to activate a predetermined program for updating said second memory module by means of said software (col. 4, lines 13-44).

Regarding claim 12, the claimed wherein said first memory module is a random access memory is met by the hard disk 14 disclosed in col. 5, line 21-26.

Regarding claim 13, the claimed wherein said secondary module is a loader device is met by modules 16 disclosed in col. 4, line 6-12 and disk drive disclosed in col. 5, lines 1-11.

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Regarding claim 15, the claimed wherein said primary module is connected with said second module via a bus is met by a bus disclosed in col. 4, lines 13-17.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2, 6, 8-9, 14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al (US 6,469,742 B1).

Regarding claim 2, Trovato et al discloses all the claimed limitations as discussed in claim 1 above except for providing that the digital player is a DVD player.

Trovato et al also discloses in col. 3, lines 46-50 that "The present invention is described by way of example for televisions, however, the invention is broader and is applicable to all electronic consumer devices, such as radios, stereo systems, ovens,

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washers, car radios, cellular phones, clock radios, etc.". It is noted that DVD player is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known DVD player into Trovato et al's system since it merely amounts to selecting alternative equivalent electronic consumer devices because Trovato et al teaches that the invention is broader and is applicable to all electronic consumer devices.

Regarding claim 6, Trovato et al discloses all the claimed limitations as discussed in claim 1 except for providing that the second memory module is a flash memory.

It is noted that the use of flash memory for storing predetermined software in digital players is also old and well known in the art and; therefore, Official Notice is again taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known flash memory into Trovato et al's system since it merely amounts to selecting readily available component.

Regarding claim 8, Trovato et al discloses all the claimed limitations as discussed in claims 1 and 7 above except for providing the claimed wherein said bus is an IDE bus.

It is noted that IDE bus is also old and well known in the art and again Office Notice is taken.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known IDE bus into Trovato et al's system in order to increase the speed of the data to be transmitted because IDE bus has higher transfer rate.

Regarding claim 9, Trovato et al discloses all the claimed limitations as discussed in claim 1 except for providing the claimed wherein said updating instruction set and said predetermined program are both in compliance with ATAPI protocol.

The capability of transmitting data using ATAPI protocol is also old and well known in the art and again Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known ATAPI protocol format into Trovato et al's system in order to increase the speed of data to be transmitted.

Claim 14 is rejected for the same reasons as discussed in claim 6 above.

Claim 16 is rejected for the same reasons as discussed in claim 8 above.

Claim 17 is rejected for the same reasons as discussed in claim 2 above.

Claim 18 is rejected for the same reasons as discussed in claim 9 above.

5. Claims 3, 11, and 19-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al (US 6,469,742 B1) in view of Kahn et al (US 6,525,775).

Regarding claim 3, Trovato et al discloses all the claimed limitations as discussed in claim 1 above except for providing the claimed wherein said primary module is a MPEG device.

Kahn et al teaches a similar updating software apparatus in a digital television receiver (Figs. 1B and 2, col. 4) and that the television receiver includes MPEG device (the decoder 102 of Fig. 1B, col. 4, lines 19-44 and col. 6, lines 42-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the MPEG decoder 102 as taught in Kahn et al into Trovato et al's system in order to display and record the digital broadcasted televisions.

Claim 11 is rejected for the same reasons as discussed in claim 3 above.

Regarding claim 19, Trovato et al discloses all the claimed limitations as discussed in claim 10 above except for providing that the primary module comprises a first memory module, a first buffer module and a first flash memory module and that the secondary module comprises a second buffer module a second flash memory module.

Kahn et al teaches a similar updating software apparatus in a digital television receiver (Figs 1B and 2, col. 4) and that the primary module comprises two memories 212 and It would have been obvious to one of ordinary skill in the art at the time of the invention to (col. 6, lines 42-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the television receiver 90 as taught by Kahn et al into Trovato et al's system in order to display and record the digital broadcasted televisions.

Additionally, the capability of using buffer to allow transmission of data to the later device at a desired rate is old and well known in the art and Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known buffers into Trovato et al's system in order to allow transmission of data to the later circuit at a desired rate.

It is further noted that the use of flash memory for storing predetermined software in digital players is also old and well known in the art and; therefore, Official Notice is again taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known flash memory into Trovato et al's system since it merely amounts to selecting readily available component.

Regarding claim 20, the combination of Trovato et al and Kahn et al discloses all the claimed limitations as discussed in claim 19 above except for providing that the digital player is a DVD player.

Trovato et al also discloses in col. 3, lines 46-50 that "The present invention is described by way of example for televisions, however, the invention is broader and is applicable to all electronic consumer devices, such as radios, stereo systems, ovens, washers, car radios, cellular phones, clock radios, etc.". It is noted that DVD player is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known DVD player into Trovato et al's system since it merely amounts to selecting alternative equivalent electronic consumer devices because Trovato et al teaches that the invention is broader and is applicable to all electronic consumer devices.

Regarding claim 21, the claimed wherein said primary module is a MPEG device is met by the MPEG decoder 102 of Kahn et al (see col. 4, lines 19-35).

Regarding claim 22, the claimed wherein said primary memory module is a random access memory is met the hard disk 14 disclosed in col. 5, line 21-26 of Trovato et al.

Regarding claim 23, the claimed wherein said secondary module is a loader device is met by modules 16 disclosed in col. 4, line 6-12 of Trovato et al.

Regarding claim 24, the claimed wherein said primary module is connected with said secondary module via a bus is met by a bus disclosed in col. 4, lines 13-17 of Trovato et al.

Regarding claim 25, the combination of Trovato et al and Kahn et al discloses all the claimed limitations as discussed in claim 19 above except for providing the claimed wherein said bus is an IDE bus.

It is noted that IDE bus is also old and well known in the art and again Office Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known IDE bus into Trovato et al's system in order to increase the speed of the data to be transmitted because IDE bus has higher transfer rate.

Regarding claim 25, the combination of Trovato et al and Kahn et al discloses all the claimed limitations as discussed in claim 19 except for providing the claimed

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wherein said updating instruction set and said predetermined program are both in compliance with ATAPI protocol.

The capability of transmitting data using ATAPI protocol is also old and well known in the art and again Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known ATAPI protocol format into Trovato et al's system in order to increase the speed of data to be transmitted.

Method claims 27-34 are rejected for the same reasons as discussed in apparatus claims 19-26 above, respectively.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to video recorder/reproducer.

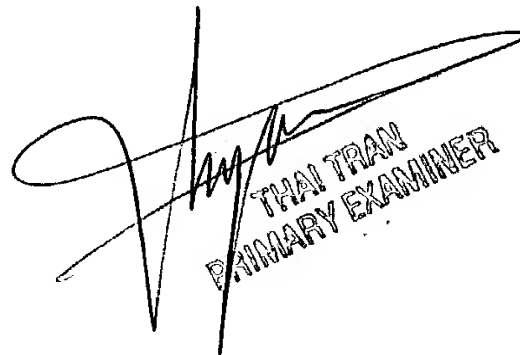
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER